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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,424

06/02/2005

Mauro Gelli

6539/PCT

6162

6858 7590 04/11/2007

BREINER & BREINER, L.L.C.

P.O. BOX 19290

ALEXANDRIA, VA 22320-0290

EXAMINER

DONDERO, WILLIAM E

ART UNIT

PAPER NUMBER

3654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/535,424

Applicant(s)

GELLI ET AL.

Examiner

William E. Dondero

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3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,12-20 and 29-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11 and 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/19/2005</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election of Species II (Figures 5-7, Claims 3-11 and 21-28) in the reply filed on March 7, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-2, 12-20, and 29-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 7, 2007.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-4, 6-7, 11, 21-22, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gelleke (US-3030042). Regarding Claim 3, Gelleke discloses a rewinding machine for producing logs 32 of wound web material W comprising a winding cradle 28,34,36 to wind the web material and form the logs, including at least one first winding element 28 around which the web of material is fed; means to sever the web material upon termination of winding each log, including a rotating severing element 108, cooperating with the first winding element; at least one first glue dispenser

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106,190,194,212 including a mechanical member 106 that touches the web material at end of winding of the each log, to apply a first glue to a portion of the web material, in proximity to a severing line, along which the web material is severed upon termination of winding the each log to form a final free edge and an initial free edge, the first glue gluing the final free edge of the log; wherein the mechanical member of the first glue dispenser is integral with the severing element or is part of the severing element (Figures 1-12). Regarding Claim 4, Gelleke discloses the severing element is controlled such that when the severing element is in contact with the web material the severing element has a peripheral speed differing in respect of the first winding element (Figures 1-12). Regarding Claim 6, Gelleke discloses the mechanical member is a rotating element (Figures 1-12). Regarding Claim 7, Gelleke discloses the first glue dispenser applies the first glue to a portion of the web material wound around the first winding element (Figures 1-12). Regarding Claim 11, Gelleke discloses the first glue dispenser applies the first glue along longitudinal bands, continuous or broken, on the web material (Figures 1-12).

Regarding Claim 21, Gelleke discloses a method for producing logs 32 of wound web material W comprising winding a quantity of web material to form a first log in a winding area; upon termination of winding the first log, severing the web material to create a final edge of the first log and an initial edge to form a second log; applying a first glue to a portion of the web material destined to remain wound on the first log, in proximity to the final free edge, which is glued to the first log upon termination of winding, wherein the first glue is applied to the web material by a severing element

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104,108,102,106 that also severs the web material upon termination of winding each log (Figures 1-12). Regarding Claim 22, Gelleke discloses the web material is wound around tubular winding cores 30 (Figures 1-12). Regarding Claim 24, Gelleke discloses the first glue is applied along a longitudinal line (Figures 1-12). Regarding Claim 25, Gelleke discloses the logs are wound with a peripheral winding system (Figures 1-12). Regarding Claim 26, Gelleke discloses the first glue is applied to the web material before severing of the web material (Figures 1-12). Regarding Claim 27, Gelleke discloses the first glue is a liquid or semi-liquid glue (Figures 1-12).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelleke (US-3030042) as applied to claims 3-4, 6-7, 11, 21-22, and 24-27 above, and further in view of McGraw, Jr. (US-3073008). Gelleke discloses the severing element is integral to an assembly of rods (Figures 1-12). Gelleke is silent about glue absorbent pads suitable to pick up the first glue and to touch the web material, to transfer to the pad at least part of the glue picked up at the end of the assembly of rods. However, McGraw, Jr. discloses glue absorbent pads 181, suitable to pick up a first glue and to touch a web material 21, to transfer to the pad at least part of the glue picked up, at the end of an assembly of rods 183 (Figures 1-14; Column 6, Lines 3-23). It would have

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been obvious to one of ordinary skill in the art at the time of the invention to replace the brush of Gelleke with the glue absorbent pads of McGraw, Jr. to allow pressure to be applied as the glue dries.

Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelleke (US-3030042) as applied to claims 3-4, 6-7, 11, 21-22, and 24-27 above, and further in view of Blume et al. (US-6056229). Gelleke is silent about a second gluing unit to apply a second glue to tubular winding cores. However, Blume et al disclose a gluing device 101 for applying a glue to tubular cores C (Figures 11-14). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the gluing device of Blume et al. to the rewinder of Gelleke to apply glue to the cores before they arrive in the cradle and to subsequently attach the new leading end to the new core via the glue applied as taught by Blume et al.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelleke (US-3030042) as applied to claims 3-4, 6-7, 11, 21-22, and 24-27 above, and further in view of Biagiotti (US-5769352). Gelleke is silent about a rolling surface defining with the first winding element a channel to feed the winding cores; and wherein the winding cores are fed into the channel and made to roll inside the channel before the web material is severed. However, Biagiotti discloses a rolling surface 33 defining with a first winding element 15 a channel 19 to feed winding cores A; and wherein the winding cores are fed into the channel and made to roll inside the channel before the web material is severed (Figures 1-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the rolling surface and channel of Biagiotti to

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the rewinder of Gelleke to accurately guide the cores to the winding cradle while

applying pressure to the cores ensuring the glue securely holds the web to the new core as taught by Biagiotti.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelleke (US-3030042) as applied to claims 3-4, 6-7, 11, 21-22, and 24-27 above, and further in view of Nowisch (US-4422588). Gelleke is silent about the first glue being a strip of double-sided adhesive material. However, Nowisch discloses first glue being a strip of double-sided adhesive material (Column 7, Lines 22-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the brush and liquid glue of Gelleke with the applicator and double sided tape of Nowisch to reduce production time by eliminating the need to allow time for the glue to dry.

### ***Conclusion***

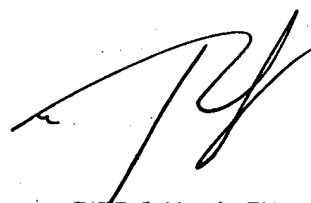
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to be 'PM' with a stylized flourish.

PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600